

Matthew Franklin Jaksa (CA State Bar No. 248072)  
HOLME ROBERTS & OWEN LLP  
560 Mission Street, 25<sup>th</sup> Floor  
San Francisco, CA 94105-2994  
Telephone: (415) 268-2000  
Facsimile: (415) 268-1999  
Email: matt.jaksa@hro.com

Attorneys for Plaintiffs,  
ARISTA RECORDS LLC; UMG  
RECORDINGS, INC.; SONY BMG  
MUSIC ENTERTAINMENT; and  
INTERSCOPE RECORDS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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ARISTA RECORDS LLC, a Delaware limited  
liability company; UMG RECORDINGS, INC.,  
a Delaware corporation; SONY BMG MUSIC  
ENTERTAINMENT, a Delaware general  
partnership; and INTERSCOPE RECORDS, a  
California general partnership,  
Plaintiffs,

v.

JOHN DOE,  
Defendant.

CASE NO.

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

**JURISDICTION AND VENUE**

1  
2 1. This is a civil action seeking damages and injunctive relief for copyright infringement  
3 under the copyright laws of the United States (17 U.S.C. § 101 *et seq.*).

4 2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal  
5 question); and 28 U.S.C. § 1338(a) (copyright).

6 3. Venue in this District is proper. See 28 U.S.C. §§ 1391(b), 1400(a). Although the  
7 true identity of Defendant is unknown to Plaintiffs at this time, on information and belief, Defendant  
8 may be found in this District and/or a substantial part of the acts of infringement complained of  
9 herein occurred in this District. On information and belief, personal jurisdiction in this District is  
10 proper because Defendant, without consent or permission of the copyright owner, disseminated over  
11 the Internet copyrighted works owned and/or controlled by Plaintiffs. On information and belief,  
12 such illegal dissemination occurred in every jurisdiction in the United States, including this one. In  
13 addition, Defendant contracted with an Internet Service Provider ("ISP") found in this District to  
14 provide Defendant with the access to the Internet which facilitated Defendant's infringing activities.

**PARTIES**

15  
16 4. Plaintiff Arista Records LLC is a limited liability company duly organized and  
17 existing under the laws of the State of Delaware, with its principal place of business in the State of  
18 New York.

19 5. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the  
20 laws of the State of Delaware, with its principal place of business in the State of California.

21 6. Plaintiff SONY BMG MUSIC ENTERTAINMENT is a Delaware general  
22 partnership, with its principal place of business in the State of New York.

23 7. Plaintiff Interscope Records is a California general partnership, with its principal  
24 place of business in the State of California.

25 8. The true name and capacity of Defendant are unknown to Plaintiffs at this time.  
26 Defendant is known to Plaintiffs only by the Internet Protocol ("IP") address assigned to Defendant  
27 by his or her ISP on the date and time of Defendant's infringing activity. See Exhibit A. Plaintiffs  
28

1 believe that information obtained in discovery will lead to the identification of Defendant's true  
2 name.

3 **COUNT I**

4 **INFRINGEMENT OF COPYRIGHTS**

5 9. Plaintiffs incorporate herein by this reference each and every allegation contained in  
6 each paragraph above.

7 10. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of  
8 exclusive rights under United States copyright law with respect to certain copyrighted sound  
9 recordings, including, but not limited to, all of the copyrighted sound recordings on Exhibit A to this  
10 Complaint (collectively, these copyrighted sound recordings shall be identified as the "Copyrighted  
11 Recordings"). Each of the Copyrighted Recordings is the subject of a valid Certificate of Copyright  
12 Registration issued by the Register of Copyrights to each Plaintiff as specified on each page of  
13 Exhibit A.

14 11. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the  
15 exclusive rights to reproduce the Copyrighted Recordings and to distribute the Copyrighted  
16 Recordings to the public.

17 12. Plaintiffs are informed and believe that Defendant, without the permission or consent  
18 of Plaintiffs, has continuously used, and continues to use, an online media distribution system to  
19 download and/or distribute to the public certain of the Copyrighted Recordings. Exhibit A identifies  
20 the IP address with the date and time of capture and a list of copyrighted recordings that Defendant  
21 has, without the permission or consent of Plaintiffs, downloaded and/or distributed to the public.  
22 Through his or her continuous and ongoing acts of downloading and/or distributing to the public the  
23 Copyrighted Recordings, Defendant has violated Plaintiffs' exclusive rights of reproduction and  
24 distribution. Defendant's actions constitute infringement of Plaintiffs' copyrights and/or exclusive  
25 rights under copyright. (In addition to the sound recordings listed on Exhibit A, Plaintiffs are  
26 informed and believe Defendant has, without the permission or consent of Plaintiffs, continuously  
27 downloaded and/or distributed to the public additional sound recordings owned by or exclusively  
28 licensed to Plaintiffs or Plaintiffs' affiliate record labels, and Plaintiffs believe that such acts of

1 infringement are ongoing. Exhibit A includes the currently-known total number of audio files being  
2 distributed by Defendant.)

3 13. Plaintiffs have placed proper notices of copyright pursuant to 17 U.S.C. § 401 on  
4 each respective album cover of each of the sound recordings identified in Exhibit A. These notices  
5 of copyright appeared on published copies of each of the sound recordings identified in Exhibit A.  
6 These published copies were widely available, and each of the published copies of the sound  
7 recordings identified in Exhibit A was accessible by Defendant.

8 14. Plaintiffs are informed and believe that the foregoing acts of infringement have been  
9 willful, intentional, and in disregard of and with indifference to the rights of Plaintiffs.

10 15. As a result of Defendant's infringement of Plaintiffs' copyrights and exclusive rights  
11 under copyright, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. § 504(c) against  
12 Defendant for each infringement of each copyrighted recording. Plaintiffs further are entitled to  
13 their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

14 16. The conduct of Defendant is causing and, unless enjoined and restrained by this  
15 Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated  
16 or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502  
17 and 503, Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing  
18 Plaintiffs' copyrights, and ordering that Defendant destroy all copies of copyrighted sound  
19 recordings made in violation of Plaintiffs' exclusive rights.

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WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

1. For an injunction providing:

"Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (*i.e.*, download) any of Plaintiffs' Recordings or to distribute (*i.e.*, upload) any of Plaintiffs' Recordings, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control."

2. For statutory damages for each infringement of each Copyrighted Recording pursuant to 17 U.S.C. § 504.

3. For Plaintiffs' costs in this action.

4. For Plaintiffs' reasonable attorneys' fees incurred herein.

5. For such other and further relief as the Court may deem just and proper.

Dated: February 21, 2008

HOLME ROBERTS & OWEN LLP

By: 

MATTHEW FRANKLIN JAKSA  
Attorney for Plaintiffs  
ARISTA RECORDS LLC; UMG  
RECORDINGS, INC.; SONY BMG  
MUSIC ENTERTAINMENT; and  
INTERSCOPE RECORDS

# **Exhibit**

## **A**

**EXHIBIT A****JOHN DOE****IP Address:** 169.233.32.220 2007-11-01 04:48:35 EDT**CASE ID#** 146631328**P2P Network:** GnutellaUS**Total Audio Files:** 103

<u>Copyright Owner</u>	<u>Artist</u>	<u>Recording Title</u>	<u>Album Title</u>	<u>SR#</u>
UMG Recordings, Inc.	Hoobastank	The Reason	The Reason	339-555
Arista Records LLC	Dido	White Flag	Life for Rent	340-392
SONY BMG MUSIC ENTERTAINMENT	Oasis	Wonderwall	(What's The Story) Morning Glory	289-141
SONY BMG MUSIC ENTERTAINMENT	Michael Jackson	Thriller	Thriller	41-965
UMG Recordings, Inc.	Kanye West	Late	Late Registration	372-867
UMG Recordings, Inc.	Gwen Stefani	Hollaback Girl	Love.Angel.Musi c.Baby.	364-759
Interscope Records	Eminem	Brain Damage	Just Don't Give a Fuck (single)	250-999
Interscope Records	Enrique Iglesias	Escape	Escape	303-794
Arista Records LLC	Ace of Base	The Sign	The Sign	169-749